

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
 :
 v. : 1:19CR 597 -1
 :
 FRANCISCO JAVIER OCHOA, JR. :



The Grand Jury charges:

From in or about March 2017, continuing up to and including in or about March 2019, the exact dates to the Grand Jurors unknown, in the County of Orange, in the Middle District of North Carolina, the Western District of North Carolina, the Eastern District of North Carolina, the Eastern District of California, and elsewhere, FRANCISCO JAVIER OCHOA, JR., and divers other persons, known and unknown to the Grand Jurors, knowingly and intentionally did unlawfully conspire, combine, confederate, and agree together and with each other to commit offenses against the laws of the United States, that is:

1. To knowingly, intentionally, and unlawfully distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine hydrochloride, a Schedule II controlled substance within the meaning of Title 21, United States Code, Section 812, in violation of Title 21, United States Code, Section 841(a)(1); and

2. To knowingly, intentionally, and unlawfully distribute 100 kilograms or more of marihuana, a Schedule I controlled substance within the meaning of Title 21, United States Code, Section 812, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A) and (b)(1)(B).

FORFEITURE ALLEGATION

1. The allegation contained in this Indictment is hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853, upon conviction of the offense alleged in this Indictment, the defendant FRANCISCO JAVIER OCHOA, JR., shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense (or a sum of money representing the total amount of proceeds obtained by the defendant as a result of the drug trafficking activity) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense.

3. If, as a result of any act or omission of the defendant, any property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

All in accordance with Title 21, United States Code, Section 853, Rule 32.2, Federal Rules of Criminal Procedure, and Title 28, United States Code, Section 2461(c).

DATED: November 25, 2019

MATTHEW G.T. MARTIN
United States Attorney


BY: SANDRA J. HAIRSTON
First Assistant
United States Attorney

A TRUE BILL:



FOREPERSON